United Nations S/2002/1087

Security Council

Distr.: General
27 September 2002

Original: English

Letter dated 26 September 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 3 May 2002 (S/2002/525).

The Counter-Terrorism Committee has received the attached supplementary report from Kazakhstan submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-61871 (E) 101002 141002

Annex

Letter dated 17 September 2002 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Upon the instruction from my Government, I have the honour to transmit to you herewith a supplementary report to the Counter-Terrorism Committee submitted in response to your letter (see enclosure).

I should be grateful if you would have the attached report circulated as a document of the Security Council.

(*Signed*) Madina B. **Jarbussynova**

Enclosure

[Original: Russian]

Supplementary report of the Republic of Kazakhstan pursuant to Security Council resolution 1373 (2001)

Subparagraph 1 (a)

In order to suppress activity in the territory of Kazakhstan by terrorist organizations and physical entities that may be connected with them, measures have been taken to identify in the territory of the Republic the bank accounts and financial/economic activity of entities on the list of terrorists provided through the diplomatic channel.

With a view to assisting law enforcement agencies in the Republic of Kazakhstan in combating crime and adopting preventive measures, the National Bank of the Republic of Kazakhstan has, to the extent that it is empowered to do so, adopted appropriate measures to prevent and suppress the financing of terrorist actions. For example, on instructions from the National Bank of the Republic of Kazakhstan, second-tier banks must assist law enforcement agencies by providing, in strict confidentiality, requested information on legal and physical entities whose accounts (assets) are kept (held) by them for the purpose of investigating the entities' activity and, if sufficient grounds exist, adopting the necessary decision to freeze their assets.

In accordance with article 32 of the Act "On banks and banking activities", second-tier Kazakh banks are taking measures to disclose the general conditions under which they operate and the relevant information is open and cannot be covered by trade or banking secrecy, except for the conditions surrounding a specific transaction that is, under the Act, covered by banking secrecy or classified by the bank in the category of a trade secret.

In addition, the National Bank of the Republic of Kazakhstan regulates banks' activities by means of: establishment of prudential standards and other norms and limits binding on the banks, including reserve requirements, and provisioning to cover dubious and questionable assets; promulgation of normative legal instruments binding on the banks; inspection (auditing) of banks' activity; recommendations on improvement of bank financial regulations; application of limited measures of pressure on banks; imposition of sanctions on banks or their officials (article 41 of the Act); suspension or revocation of licences to conduct all or some banking operations (article 48 of the Act).

Although on the instructions of the National Bank second-tier banks are required to adopt internal bank documents governing questions relating to the bank's work with clients and partner banks, the Act "On banks and banking activities in the Republic of Kazakhstan" does not provide any procedure for imposing penalties on second-tier banks for failure to adopt such documents.

At present, no instances have been recorded of failure to adopt internal documents by second-tier banks.

Under the legislation of the Republic of Kazakhstan, the National Bank may guarantee that there are no anonymous accounts.

On the question whether a bank account can be opened anonymously, paragraph 11 of the Instructions on the procedure for opening, holding and closing bank accounts of clients in banks of the Republic of Kazakhstan, approved by decision No. 266 of 2 June 2000 of the administration of the National Bank of the Republic of Kazakhstan and hereinafter referred to as "the Instructions", lists the documents required to open a bank account. These include, for physical entities (resident and non-resident) an identity document and for legal entities (resident and non-resident) a notarized copy of the by-laws (for separate subdivisions, the regulations) or a document attesting to the client's activity on the basis of standard by-laws and a copy of a document of established format issued by an authorized agency attesting to the fact of official registration (reregistration), as well as notarized copies in the national and/or Russian language of the regulations concerning the relevant branch or agency and a copy of the authorization issued to a legal entity not resident in the Republic of Kazakhstan by the head of either the branch or agency. It is thus practically impossible to open bank accounts anonymously in second-tier banks. In accordance with a decision of the administration of the National Bank of the Republic of Kazakhstan, second-tier banks are obliged to adopt all necessary documents regulating operations with clients and partner banks. There is no provision for fines in the case of refusal.

The general conditions for the conduct of operations by second-tier banks must be reflected in internal documents drafted in accordance with the legislation in force in the Republic of Kazakhstan. In addition, questions concerning the identification by second-tier banks of suspicious transactions and dubious operations are covered in the draft legislation on measures to combat money laundering in the Republic of Kazakhstan, which is pending approval by the National Bank of the Republic of Kazakhstan. Each second-tier bank independently defines the indicators for suspicious transactions.

Concerning the efforts of the international community to stop abuse of informal banking networks, second-tier banks are formulating and adopting internal documents regulating the internal monitoring system, which will cover such questions. In addition, all matters concerning the activity of second-tier banks are governed by the Act "On banks and banking activities in the Republic of Kazakhstan" and other relevant normative/legal instruments of the Republic of Kazakhstan.

Action to freeze specified accounts is contrary to the legislation in force in the Republic and the Republic of Kazakhstan has not at this time ratified the International Convention for the Suppression of the Financing of Terrorism.

Kazakhstan is considering the question of acceding to the Strasbourg Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, the drafting of legislation "On prevention of the legalization (laundering) of funds illegally obtained", and the introduction of changes in criminal legislation to increase liability for legalization (laundering) of money.

Subparagraph 1 (b)

If law enforcement agencies uncover instances of financing of terrorist organizations operating in Kazakhstan, in accordance with article 51 of the Act "On banks and banking activity in the Republic of Kazakhstan", money and assets of legal or physical entities held in a bank may be frozen only following orders by the

organs of inquiry and preliminary investigation and orders by the executing organs, confirmed by a procurator, and following orders, decisions, judgements and rulings of the courts.

In accordance with article 20 of Act No. 416-1 of 13 July 1999 "On measures to combat terrorism", persons taking part in terrorist activity incur criminal liability as envisaged in the legislation of the Republic of Kazakhstan.

In addition, the Criminal Code of the Republic of Kazakhstan deals with the elements that make up crimes categorized as terrorist crimes. For example, according to article 162 of the Criminal Code, the recruitment, training, funding or other material support of mercenaries, as well as their use in armed conflict or hostilities, are punished by imprisonment for a period of from four to eight years.

Measures are being worked out for closing channels for the financing of terrorist organizations' activities.

Subparagraph 1 (d)

Letters from the National Bank of the Republic of Kazakhstan listing terrorist organizations and persons connected with terrorist activity (No. 1296/301 of 9 September 2001 and No. 12101/22 of 14 January 2002) instructed second-tier banks to verify the existence of data for the past three years on legal and physical entities connected with terrorist activity according to the lists and to inform the National Bank of the results of this work. In addition, transmission of such data to the National Bank is organized on a regular (quarterly) basis. When second-tier banks possess information about terrorist organizations and their members, the relevant data are transmitted to the appropriate State agencies.

Subparagraph 2 (a)

The circulation of weapons and military technology (WMT) and dual-use products is regulated in the Republic of Kazakhstan by the Acts "On export controls" and "On circulation of certain types of weapon", by Government Resolutions No. 1919 of 14 December 1999 "On approval of export control rules in the Republic of Kazakhstan and rules setting out responsibility for the use of goods imported into the Republic of Kazakhstan that are subject to export controls and verification of their observance thereof", No. 1143 of 11 August 1999 entitled "Specific issues concerning the transit of goods subject to export control", No. 1037 of 30 June 1997 "On licensing the export and import of goods (works, services) in the Republic of Kazakhstan", No. 1282 of 18 August 2000 "On confirmation of the list of goods subject to export control in the Republic of Kazakhstan", and by the international treaties ratified by the Republic of Kazakhstan.

In accordance with the above-mentioned normative instruments, the circulation of weapons — (re)export, (re)import, transit — is subject to export controls. This means that any person intending to circulate weapons must submit the listed documents required for the granting of permission, for which the State Commission on Export Controls of the Republic of Kazakhstan will require careful verification of authenticity and conformity with Kazakh and international non-proliferation regimes.

A decision on the circulation of weapons is taken by the Government of the Republic of Kazakhstan on the basis of the conclusion of the State Commission on

Export Controls, which includes the heads of the ministries and departments concerned, as specified in Government Resolution No. 1917 of 14 December 1999 of the Government of the Republic of Kazakhstan "On improving the export control system of the Republic of Kazakhstan". In certain cases, circulation of WMT is licensed without special decisions by the Government of the Republic of Kazakhstan (conditions stipulated in Resolution No. 1919).

Circulation of WMT is monitored at all stages, from submission of an application by a legal entity to verification of the end use of the special products in the importing country.

This export control system is extremely effective, since it involves comprehensive verification in the shortest time frame.

In practice, its implementation is encountering certain difficulties due to the fact that the customs authorities do not have sufficient special technical devices for detecting special products, for example in waste from exported ferrous and non-ferrous metals.

One of the main tasks of the organs of national security in the Republic of Kazakhstan is the timely identification, prevention and suppression of illegal trafficking in firearms, ammunition, radioactive materials, explosives and poisonous substances.

The legal basis for investigative activity in this area is articles 247 to 249 and 255 (parts 2, 3 and 4 concerning theft or extortion of weapons of mass destruction or materials and equipment that could be used in the production of weapons of mass destruction) of the Criminal Code of the Republic of Kazakhstan and article 192 of the Code of Criminal Procedure of the Republic of Kazakhstan entrusts the investigation of such matters to the National Security Committee of the Republic of Kazakhstan.

Efforts are being made in this area because of:

- The possibility that firearms, explosives, poisonous substances and, especially, radioactive materials may be used to commit terrorist acts;
- The use of weapons in the event of mass disturbances.

Activities to secure facilities where weapons, ammunition, explosives, poisonous substances and radioactive materials are being kept also make it possible to uncover and prevent incidents of weapons theft.

The most daring and dangerous method by which criminal groups obtain weapons and ammunition is armed seizure of weapons combined with murder.

The priorities in this connection are: to prevent access by terrorists to the vicinity of military units, demolition system premises and enterprises in various branches of industry where explosives, poisonous substances and radioactive materials are stored and used, so as to uncover attempts by criminal circles to acquire firearms and ammunition; effectively to block off channels for embezzlement; and to organize preventive safety measures at such facilities.

The work to secure such facilities takes into consideration the regulatory, engineering, technical, military and other measures adopted by the management to protect the premises from criminal encroachment.

The work to secure facilities thus consists, on the one hand, of construction of a solid defensive barrier preventing possible criminal encroachment and, on the other hand, of actual identification, prevention and suppression of specific unlawful intentions.

Government Resolution No. 1176 of the Government of the Republic of Kazakhstan dated 3 August 2000 "On measures to implement the Act 'On State control of the circulation of certain types of weapon'" confirmed the rules on the circulation of weapons and cartridges in the Republic of Kazakhstan.

In accordance with the Act "On State control of the circulation of certain types of weapon", the existing rules govern circulation of weapons and cartridges, including production, sale (trade), transfer, donation, award, inheritance, acquisition, collection, exhibition, registration, storage, carrying, transport, use, removal, destruction, import into the territory of the Republic of Kazakhstan and export from the Republic of Kazakhstan.

Customs formalities and export and import control for weapons are governed by the Act of 20 July 1997 "On customs issues in the Republic of Kazakhstan" and by the Act of 30 December 1998 "On State control of the circulation of certain types of weapon", by Government Resolution No. 1037 of 30 June 1997 "On licensing of the export and import of goods (works, services) in the Republic of Kazakhstan" and by Resolution No. 1176 of 3 August 2000 "On measures to implement the Act 'On State control of the circulation of certain types of weapon'".

Draft Instructions "On procedures for the import and export of civilian and service weapons and cartridges for them, explosives, toxic substances and colour photocopiers", prepared jointly by the Ministries of Economy and Trade and of Internal Affairs and the Customs Committee, are currently being formulated and transmitted for approval to the interested ministries and departments.

Under article 251 of the Criminal Code of the Republic of Kazakhstan, the unlawful procurement, transfer, sale, storage, transport or carrying of firearms (except for smooth-bore firearms), ammunition, explosive substances or explosive devices are punishable by imprisonment for a period of up to three years, detention for up to six months, or imprisonment for a period of up to three years with a fine amounting to 200 to 500 times the monthly wage or to the wages or other income of the person convicted over a period of from two to five months, or without a fine.

If committed by a group of persons with premeditation or repeatedly, such actions are punishable by imprisonment for a period ranging from two to six years.

If committed by an organized group, such actions are punishable by imprisonment for a period ranging from three to eight years.

The acquisition and possession of weapons is governed by Act No. 339-1 of 30 December 1998 "On State control of the circulation of certain types of weapon".

Subparagraph 2 (b)

In order to strengthen controls at entry points on the external border and to prevent illegal drug trafficking, the Customs Committee of the Ministry of Public Revenue of the Republic of Kazakhstan engages in ongoing cooperation with other law enforcement agencies.

Border and customs controls have been strengthened at entry points along the State border of the Republic of Kazakhstan (joint order No. 352 of the Ministry of Public Revenue of the Republic of Kazakhstan and No. 38 of the National Security Committee of 11 March 2002).

Joint patrols with internal affairs and national security agencies have been organized at localities in the south and west sections of the State border (joint order No. 138 of the Ministry of Internal Affairs, No. 19 of the National Security Committee and No. 65 of the Customs Committee of the Ministry of Public Revenue of 21 February 2001).

Customs and border customs controls are constantly being upgraded (joint order No. 558 of the Customs Committee of the Ministry of Public Revenue and No. 310 of the Border Service of the National Security Committee of the Republic of Kazakhstan of 11 November 1999).

In addition, technical arrangements have been worked out and approved by joint order for cooperation between the Customs Committee of the Ministry of Internal Affairs and the Border Service of the National Security Committee of the Republic of Kazakhstan at entry points along the State border; regulations are being formulated to govern joint activity at entry points and it is also planned to organize joint posts on the external border.

A joint order is being formulated on joint operational and preventive measures on highways in the Republic of Kazakhstan.

During the MAK-2002 operation, mobile groups from internal affairs agencies were supplemented with inspectors/dog handlers from the customs authorities.

The Canine Centre of the Customs Committee of the Ministry of Public Revenue, located in Almaty, is working to provide training and further training to handlers and trainers of service dogs which search for and detect narcotics, explosives and weapons, with a view to their use in various regions of the Republic, as well as breeding dogs and engaging in other activities.

In order to create the basic components of a system of effective State and public activities to prevent the further spread of drug addiction and drug trafficking, the Republic of Kazakhstan has adopted:

- Act No. 279-1 of 10 July 1998 "On narcotic and psychotropic substances and precursors and measures to combat their illegal trafficking and abuse";
- The strategy for 2001-2005 to combat drug addiction and the drug trade in the Republic of Kazakhstan (Presidential Decree No. 394 of 16 May 2000);
- Regional programmes to combat drug addiction and the drug trade.

In order to enhance cooperation with neighbouring States in the identification of channels for the smuggling and transit of narcotic substances through the territory of the Republic of Kazakhstan, the Ministries of Internal Affairs of the Republic of Kazakhstan, the Russian Federation, the Republic of Uzbekistan, the Kyrgyz Republic and the Republic of Tajikistan enacted regulations confirming the Statute "On inter-State intelligence groups on the organization of deliveries of narcotic and psychotropic substances and precursors subject to monitoring".

In order to uncover drug smuggling routes, the Ministry of Internal Affairs, acting jointly with the National Security Committee, the Financial Police Agency, the Customs Control Agency and the Border Service of the National Security Committee, has formulated and put into effect in January 2002 a plan of joint measures to combat smuggling of narcotic and psychotropic substances and precursors.

Subparagraph 2 (c) and (d)

Under Presidential Decree No. 2337 of 19 June 1995 "On the legal status of foreign nationals in the Republic of Kazakhstan", which has the force of law, an alien may be deported from Kazakhstan if his activities are contrary to the interests of preserving national security or maintaining law and order.

Foreign nationals may also be deported if there is reliable information that they are financing, planning or supporting terrorist activity within or outside Kazakhstan, or are (or have been) participants in extremist or terrorist organizations or unlawful armed units.

A decision to deport is taken by a court or, with the approval of the Procurator's Office, by bodies responsible for national security or internal affairs or other competent bodies.

Subparagraph 2 (e)

Under the penal law in force in the Republic of Kazakhstan, any person who commits an offence on the territory of Kazakhstan incurs criminal liability under the Criminal Code of the Republic of Kazakhstan, irrespective of his or her citizenship.

An offence committed on the territory of Kazakhstan is deemed to be an act which was started, continued or ended on the territory of Kazakhstan. The Criminal Code also applies to offences committed on Kazakhstan's continental shelf and exclusive economic zone.

A person who commits an offence on a vessel registered at a port in Kazakhstan and situated on the open sea or in open air space outside Kazakhstan incurs criminal liability under the Criminal Code of Kazakhstan unless otherwise specified in an international agreement signed by the Republic of Kazakhstan. A person who commits an offence on a warship or military aircraft of the Republic of Kazakhstan is also liable, irrespective of its location.

In cases where the diplomatic representatives of foreign countries or other persons having immunity commit offences on the territory of Kazakhstan, the question of their criminal liability is resolved in accordance with the rules of international law.

Citizens of Kazakhstan who commit an offence outside Kazakhstan incur criminal liability under the Criminal Code of Kazakhstan if the act committed by them is recognized as an offence in the State on whose territory it was committed and if such persons have not been convicted in the other State. Stateless citizens also incur liability on the same basis.

Members of Kazakh military units serving abroad incur criminal liability under the Criminal Code for offences they commit on the territory of foreign States unless

otherwise specified in an international agreement signed by the Republic of Kazakhstan.

Foreign nationals who commit an offence outside Kazakhstan incur criminal responsibility under the Criminal Code when the crime is committed against the interests of Kazakhstan and in cases provided for by an international agreement signed by the Republic of Kazakhstan, if they have not been convicted in another State and are brought to trial in Kazakhstan.

Under article 3 of the Code of Criminal Procedure, criminal proceedings on the territory of Kazakhstan take place in accordance with the current Code of Criminal Procedure of Kazakhstan, irrespective of where the crime was committed.

Article 6 of the Code stipulates that criminal proceedings may take place with respect to aliens and stateless persons.

Under article 527 of the Code, where an offence has been committed on the territory of Kazakhstan by an alien who has left Kazakhstan, the body conducting the criminal investigation sends the documents in the case to the Procurator General of the Republic of Kazakhstan or an authorized prosecutor, requesting a criminal investigation to ascertain whether the case can be sent to another State in accordance with an international agreement.

Article 528, part 3, of the Code states that where a citizen of Kazakhstan commits an offence on the territory of another State, a criminal case may be brought and conducted by bodies responsible for the preliminary investigation on the basis of evidence relating to the crime presented to the Procurator General of the Republic of Kazakhstan by an institution of the foreign State.

Under article 526, part 3, of the Code, foreign nationals in the territory of Kazakhstan may not be prosecuted for offences they committed before entering Kazakhstan.

Subparagraph 2 (f)

The need for legal assistance from the competent institutions and officials of foreign States often arises during the preliminary investigation.

Legal relations with foreign States are based on the requirements of the Criminal Code and on international treaties and agreements concluded by Kazakhstan with respect to legal assistance in criminal cases.

For example, the Ministry of Internal Affairs of Kazakhstan has carried out joint operational and investigative measures in cooperation with the Ministry of Internal Affairs of Uzbekistan to ascertain who carried out the terrorist attacks that occurred in Tashkent on 18 February 1999.

As a result of these measures, all the persons detained in Kazakhstan have been handed over to the law enforcement agencies of Uzbekistan.

On the basis of reciprocity and under existing international agreements, Kazakhstan remains ready to assist the competent bodies of foreign States in the investigation of terrorist acts.

Subparagraph 2 (g)

Under article 323 of the Criminal Code, the acquisition or sale of official documents and State awards incurs criminal liability. In addition, article 325 states that forgery and the preparation or sale of forged documents, stamps, printed material, forms or State awards incur legal liability.

Under the Administrative Offences Code of the Republic of Kazakhstan, a number of offences, including forgery of certification documents for goods being supplied (article 317) and the manufacture or sale of forged State postal franking stamps (article 501) also incur administrative liability.

The forms for identification papers (Republic of Kazakhstan personal identification and passport, foreign nationals' residence permits and stateless persons' identification papers) are printed by the National Bank's banknote printing press: they have a high degree of protection against forgery, have undergone expert scrutiny by ICAO (the international organization responsible for aviation security) and meet international standards.

The final documents are issued by the "Information and Production Centre" Republican State Enterprise of the Ministry of Internal Affairs, which consists of two branches.

Information on all documents issued and basic data on their holders are kept on the Centre's database.

In view of the above, it is extremely difficult to make use of lost or stolen documents or identity papers, or to obtain documents on the basis of false personal data.

Subparagraph 3 (b)

Kazakh law enforcement agencies currently have legal obligations under more than 50 international law instruments relating to the principal areas of official operations, including the exchange of information on terrorist and extremist activity.

These comprise 42 multilateral and bilateral interdepartmental, 27 international and 14 intergovernmental agreements, and 10 multilateral conventions, including conventions adopted in the United Nations, the Shanghai Cooperation Organization and the Central Asian Union.

For example, there are treaties on: extending mutual legal assistance in criminal cases and extradition — with Uzbekistan, Lithuania, China, the Democratic People's Republic of Korea, Mongolia, Pakistan and Turkey; handing over imprisoned persons to continue serving their sentences — with Azerbaijan, Georgia and Ukraine; cooperation in combating illegal trafficking in, and abuse of, narcotic drugs and psychotropic substances — with Kyrgyzstan, Uzbekistan, Russia and Iran; cooperation in combating organized crime, illegal trafficking in, and abuse of, narcotic drugs and psychotropic substances, terrorism and other criminal activity — with Lithuania, Hungary, Iran and the Czech Republic.

The Agreement on cooperation among States members of the Commonwealth of Independent States (CIS) in combating terrorism, based on a clear definition of "terrorism" in all its manifestations, was drawn up and signed on 4 June 1999.

Cooperation under this Agreement takes place through a request for assistance from the party concerned or on the initiative of the parties. Assistance under the Agreement may be partially or wholly waived if the requested party believes that it may be harmful to sovereignty, security or law and order, or is contrary to its laws or international obligations.

The parties' competent authorities exchange information on matters of mutual interest, including the dispatch, at the request or with the consent of the party concerned, of representatives of their competent bodies, including special anti-terrorist units, to extend systematic, advisory or practical assistance in accordance with the Agreement. In addition, by mutual consent and on the basis of a separate agreement, they may conduct joint training of special anti-terrorist squads and jointly second representatives of another party to their national anti-terrorist units.

On 8 September 2000, as part of these relations, the CIS member States signed the Agreement on Cooperation among Ministries of Internal Affairs in Combating Terrorism.

Cooperation in the Shanghai Cooperation Organization is embodied in the Shanghai Convention on Combating Terrorism, Separatism and Extremism, signed by the heads of State on 15 June 2001 in Shanghai.

The Agreement between Kazakhstan, Kyrgyzstan and Tajikistan on Common Action in Combating Terrorism, Separatism and Extremism, Transnational Organized Crime and Other Threats to Stability and Security was signed and entered into force on 21 April 2001.

A State Programme for Combating Terrorism and other Manifestations of Extremism and Separatism in Kazakhstan has been drawn up and approved by a Presidential Decree.

In order to achieve the goal set and carry out priority tasks, the Programme provides for the implementation of a range of measures intended to upgrade existing legislation and the system of anti-terrorist measures, including the establishment of effective international cooperation in combating terrorism and other manifestations of extremism and separatism.

The programme also provides for the scheduling of international meetings and forums on problems of combating terrorism and extremism.

Subparagraph 3 (c)

Kazakhstan has concluded 19 treaties on the provision of legal assistance in civil and criminal cases. With respect to Kazakhstan's cooperation with foreign States in combating terrorism, two multilateral treaties have been signed within CIS and with States of the Central Asian region, as well as six intergovernmental agreements with Germany, Hungary, Iran, Lithuania, the Czech Republic and India.

Subparagraph 3 (f)

By the Act of 15 December 1998, Kazakhstan acceded to the Convention on the Status of Refugees of 28 July 1951 and its Protocol of 31 January 1967.

In addition, the Act "On population migration" of 13 December 1997 is currently in force. It regulates the following issues relating to refugees: definition of

the terms "refugees" and "refugee repatriates"; the possibility of a temporary stay for refugees at a locality in Kazakhstan selected by the central executive committee in agreement with local executive and other competent bodies, where there is suitable accommodation for housing and temporary sojourn; establishment of the principle that refugees may not be deported or forced to return to the country from which they came, except in the cases specified in international treaties; possibility of granting refugees political asylum; non-recognition of persons as refugees (article 12); rights and obligations of refugees; procedure for recognizing a person as a refugee; functions of the competent body in relation to refugees.

Article 24 of the Act "On population migration" contains an exhaustive list of reasons for refusing a permit to remain in Kazakhstan permanently to an alien or stateless person, including the following:

(1) Deliberately illegal immigrants and immigrants being prosecuted for offences under the laws of the country from which they have come;

(2) Persons released from prison whose permanent residence before they committed their offence was outside Kazakhstan;

(3) Persons who have committed a crime against humanity;

(4) Persons, except returning Kazakh expatriates ("oralmany"), who have not provided proof of solvency for the period of their stay in Kazakhstan in the manner laid down by the Government of Kazakhstan;

(5) Persons suffering from a disease that might cause an epidemic in Kazakhstan, in the view of public health agencies and other competent bodies in Kazakhstan;

(6) Persons who have violated the law on the legal status of aliens and stateless persons in Kazakhstan, on the basis of a decision, with reasons, taken by a competent body or competent bodies responsible for internal affairs and the National Security Committee in accordance with the procedure laid down by the Government of Kazakhstan.

If it is determined that the persons concerned are still in Kazakhstan, they must leave the country within a time period decided by the appropriate authority. If they refuse, they may be forcibly deported with the consent of the procurator.

The law lists grounds for refusing applications from foreign States for extradition, including of aliens and stateless persons. Under article 532 of the Code of Criminal Procedure, extradition is not permitted in the following cases:

(1) When the person has been granted political asylum by Kazakhstan;

(2) When the act that is the object of the extradition request is not considered an offence in Kazakhstan;

(3) When the person has already been convicted of the same offence and the sentence is legally in force, or proceedings in the case have been halted;

(4) When, under Kazakh law, criminal proceedings may not be brought or a sentence may not be carried out because of a statute of limitation or for any other lawful reason.

Extradition may also be refused if the offence for which extradition is being requested was committed on Kazakh territory or outside it but was directed against the interests of Kazakhstan.

The above list is exhaustive and Kazakhstan has recognized as binding the provisions of the Universal Declaration of Human Rights, in accordance with which article 14 of the Constitution of the Republic of Kazakhstan stipulates that no one may be persecuted for his beliefs. This is particularly true since Kazakhstan has assumed the obligation to grant political asylum to persons persecuted for their political beliefs, in accordance with the provisions of international law and the Constitution of Kazakhstan. The procedure for granting political asylum is governed by the Resolution on the procedure for granting political asylum to foreign nationals and stateless persons, approved by a Presidential Decree on 15 July 1996.

The Act "On population migration" stipulates that matters relating to the granting of political asylum to foreign nationals and stateless persons are examined on a case-by-case basis by the President of the Republic of Kazakhstan.

Paragraph 4

Priority measures to enhance the physical protection of nuclear facilities in Kazakhstan, prevention and suppression of illegal trafficking in nuclear material.

Other matters

A number of measures are currently being taken in Kazakhstan to combat crime, including terrorism, and corruption. For example, a Presidential Decree "On measures to improve the system for combating crime and corruption" was adopted on 20 April 2000, and a Programme to this end was approved on 31 October 2000 by Resolution No. 1641 of the Government of Kazakhstan.

The Act "On combating terrorism" was adopted on 13 July 1999. It relates directly to anti-terrorism issues and lays down the legal and organizational bases for combating terrorism in Kazakhstan, the operating procedure for State bodies and organizations, irrespective of their form of ownership, and citizens' rights, obligations and safeguards in matters relating to the campaign against terrorism.

The Presidential Decree "On measures to prevent and suppress manifestations of terrorism and extremism" was adopted on 10 February 2000. It lays down the fundamental principles of cooperation among State bodies in the prevention and suppression of manifestations of terrorism and extremism.

Pursuant to Security Council resolution 1373 of 28 September 2001, Resolution No. 1644 of the Government of Kazakhstan, under which all State bodies are obliged to take measures to implement the provisions of that resolution within the limits of their competence, was adopted on 15 December 2001.

In order to coordinate anti-terrorist activities, the National Security Committee, the Office of the Procurator General, the Ministry of Internal Affairs and the Ministry of Foreign Affairs are taking steps to establish a single database on terrorism and other manifestations of extremism and separatism on the basis of an appropriate interdepartmental standard legal document.